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26. The security apparatus of claim 1 wherein said validator receiver is capable of receiving said data signals at multiple positions around said nail and surrounding areas.

REMARKS

Examiner Patel, in the above noted Official Action rejected claims 1-2, 4-5, 16-21 and 23 under 35 U.S.C. 103(a) as unpatentable over Schneider (US 5,456,256) in view of North (US 4,614,366). He further rejected claims 3, 6, 14-15 and 22 under 35 U.S.C. 103(a) as unpatentable over Schneider (US 5,456,256) in view of North (US 4,614,366) as applied to the above noted rejected claims and further in view of Philipp (US 5,682,032).

Examiner Patel objected to dependent claim 7 and it's dependent claims 8-13. He indicated that they would be allowable if claim 7 was rewritten in independent form including all the limitations of claim 1 and claim 6. Applicant has so amended claim 7 placing it in allowable form.

It is respectfully submitted that claim 1 and the claims depending therefrom, as now written, are patentable over Schneider (US 5,456,256) in view of North (US 4,614,366) and further in view of Philipp (US 5,682,032) within the meaning of 35 U.S.C. 103(a).

Referring to Schneider, Examiner Patel indicates at Paragraph 3 of the above noted Official Action, that the "...a data transmitter in contact with a human nail...the transmitter relying on the physical properties of the nail and the surrounding areas".

Schneider discloses a fingerprint identification system and as such it is best to avoid contact with the nail to obtain a quality fingerprint. In no way does Schnieder utilize the physical properties of the nail and would obtain a fingerprint if no nail was present.

Similarly, North does not rely on the physical properties of the nail and the surrounding areas. The choice of a fingernail by North is a matter of convenience. The data carrier or wafer of North would function even if it was placed on a prosthesis of a multiple hand amputee.

Further, Philipp does not rely on the physical properties of the nail and the surrounding areas to detect the presence or absence of an individual. Philipp uses a body part as a capacitor plate to conduct and couple a signal to a remote sensor to detect the presence of an individual. As with the above noted North reference, the Philip identity verification and escort memory would function even if it was placed on the shoulder of the individual or was placed on a prosthesis of a multiple hand amputee. Philip like North does not rely on the physical properties of the nail and the surrounding areas

Applicant has also amended claim 1 to include the limitation "said validator receiver being capable of selectively receiving said data signals around said nail and surrounding areas" to more precisely define the invention. Applicant has also amended method claim 21 to include the same limitation in a method format as well as the limitation directed to the data transmitter relying upon the physical properties of the nail and surrounding areas.

This feature enables the validator receiver to acquire the data signals at selected multiple positions around the nail and surrounding areas. The data transmitter, relying upon the physical properties of the nail and surrounding areas of a particular person, generates a very precise and discriminating signal input to the validator logic circuit which processes the received data signal for action by the validator status actuator.

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It is respectfully submitted that the invention of claim 1 and it's dependent claims and method claim 21, all of which now include the limitation relating to the data transmitter relying upon the physical properties of the nail and surrounding areas and the above added limitation relating to the validator receiver being capable of selectively receiving the data signals at positions around the nail and surrounding areas, are patentable over the prior art including Schneider (US 5,456,256) in view of North (US 4,614,366) and further in view of Philipp (US 5,682,032) under 35 U.S.C. 103(a).

In view of the foregoing, it is believed that this application is now in condition for allowance and such action is earnestly solicited.

Please call me at 724-935-6746 if you have any questions regarding this matter.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Post Office as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on April 1, 2004

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April 1, 2004

Date

MARKED-UP CLAIMS

1. (Twice Amended) A security apparatus, comprising:
a validator controller having a validator status actuator in communication with a validator receiver via a validator logic circuit, the validator status actuator configured to process and perform actions based upon data signals, and the validator receiver configured to receive data signals;
a data transmitter in contact with a human nail and in communication with the validator controller; and said data transmitter relying upon the physical properties of the nail and surrounding areas; wherein the data transmitter transmits a data signal, the validator receiver receives the data signal, the validator logic circuit processes the received data signal, and the validator status actuator performs an action based upon the received data signal, said validator receiver being capable of selectively receiving said data signals around said nail and surrounding areas.

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7. (Once Amended) A security apparatus, comprising:
a validator controller having a validator status actuator in
communication with a validator receiver via a validator logic
circuit, the validator status actuator configured to process
and perform actions based upon data signals, and the
validator receiver configured to receive data signals;
a data transmitter in contact with a human nail and in
communication with the validator controller; and said data
transmitter relying upon the physical properties of the nail
and surrounding areas; wherein the data transmitter transmits
a data signal, the validator receiver receives the data signal,
the validator logic circuit processes the received data signal,
and the validator status actuator performs an action based upon
the received data signal, said validator controller
further comprises a validator emitter configured to emit signals
towards the data transmitter, said data transmitter further
comprises a nail digital chip configured to communicate with
the validator receiver; and a nail solar cell configured to
receive signals from said validator emitter and power the data
transmitter.

21. (Once Amended) A method of enabling or disabling an event, comprising the steps of:
providing a validator controller having a validator status actuator in communication with a validator receiver via a validator logic circuit, the validator status actuator configured to process and perform actions based upon data signals, and the validator receiver configured to receive signals, a data transmitter in contact with a human nail and in communication with the validator controller and relying upon the physical properties of the nail and surrounding areas;
receiving a data signal by the validator receiver; processing the received data signal by the validator logic circuit; and performing an action by the validator status actuator based upon the received data signal, receiving selectively by said validator receiver said data signals at selected positions around said nail. and surrounding areas.

22. (Once amended) The apparatus according to claim 1, wherein the physical properties of the nail and the surrounding areas relied upon by the data transmitter are selected from the group electrical, magnetic, ultrasound responsive properties, tactile, electromagnetic naturally or artificially occurring, created or modified properties and its surroundings.
